

Appl. No.: 10/087,465
Reply to Office Action of: 07/19/2006

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SEP 21 2006

REMARKS

In regard to sections 2-3 of the office action, claims 10 and 26 have been amended above as suggested by the examiner. However, since only one file (the user stored file) was mentioned in claims 10 and 26, then the language "the file" necessarily was referring to the user stored file. There was no indefiniteness.

In regard to sections 4-5 of the office action, claim 26 has been amended above. However, it should be noted that, inherently, automatically moving the user stored file will be based upon additional factors including, for example, whether or not a communications link exists with the mobile electronic apparatus.

Claims 10, 19, 32 and 41 were rejected under 35 U.S.C. §102(e) as being anticipated by Kahn et al. (US 2001/0050875 A1). It is assumed that the examiner also intended to include claims 26 and 27 in this rejection, however, the examiner needs to clarify this issue in the next office action. The examiner is requested to reconsider these rejections.

In regard to claims 10 and 26, they have been amended above to clarify applicant's claimed invention. Claims 10 and 26 claim "means for automatically transmitting the user stored file" and "automatically moving the user stored file", respectively. These changes were made as suggested by the examiner to clarify which file was being moved. Regarding section 1 of the office action, because applicants are claiming a "user stored file" the "inherent" basis for the examiner's reasoning is now moot. It certainly is not inherent to automatically

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transfer a user stored file in Kahn et al. Nor is there a suggestion of moving or transferring a user stored file from the disclosure in Kahn et al. as recited in claims 10 and 26. Claims 10 and 26 are patentable over the art of record and should be allowed.

In regard to claims 19, 21 and 41, these claims have been amended above to clarify applicants' claimed invention. In particular, the claim language "user's low prioritization file handling over time" has been changed to --user over time regarding how a user performs file handling of the user stored files which have a low prioritization--. It is respectfully submitted that this language is equivalent; the same invention is being claimed before and after this amendment. The amendatory language clarifies that the invention comprises a learning algorithm that learns behavior of a user over time regarding how a user performs file handling of the user stored files which have a low prioritization.

In paragraph [0118] of Kahn et al., a "further algorithm" is described which can change the priority rating assigned to the image records. However, Kahn et al. merely describes this algorithm as being based upon how often a user recalls an image or the age of the record. There is no disclosure or suggestion that the algorithm changes the priority rating based upon how a user performs file handling of the user stored files which have a low prioritization. In view of the failure of Kahn et al. to disclose or suggest that its algorithm can change the priority rating based upon how a user performs file handling of the user stored files which have a low prioritization, Kahn et al. clearly does not "anticipate"

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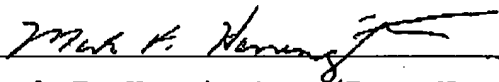
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the features of claims 19, 32 and 41; nor are the features of these claims obvious in view of Kahn et al. Therefore, the claims are patentable and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,


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9/21/06
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